

**United States Court of Appeals
For the First Circuit**

05-10309
ASDC/MA
Wolf, J

No. 06-1711

STEPHEN GILL; MICHELLE GILL,

Plaintiffs, Appellants,

v.

UNITED STATES OF AMERICA,

Defendant, Appellee.

MANDATE

JUDGMENT

Entered: December 1, 2006

This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Massachusetts.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's dismissal of Stephen Gill and Michelle Gill's Federal Tort Claims Act action for lack of subject matter jurisdiction is affirmed. Costs are awarded to the United States.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

RC

Deputy Clerk

Date: 1/24/07

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: Margaret Carter, Chief Deputy Clerk

[cc: Ms. Sibbison, Mr. Gill, Mr. Stern, Mr. Levy, & Mr. Sullivan.]